HIGH COURT OF URRARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

Chapter VIII, Rule 32(2) (b)

Description of the case

W.P. No. 549 of 2005 (S/S)

S.N. Tripathi and another

Vs

Managing Director Uttaranchal Pay
Jal Vikas Evam Nirman Nigam & another

Approved for reporting

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~~Not Approved for Reporting~~

Date of decision: 11.5.2005.

Initials of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 549 of 2005 (SS)

1. S.N. Tripathi
2. Kundan Lal Sah ..... Petitioners

Versus

1. Managing Director, Uttaranchal Pey Jal Vikas Evam Nirman Nigam
2. Finance Controller, Uttaranchal Peyjal Vikas Evam Nirman Nigam ..... Respondents

Mr. Vinay Kumar, Advocate for the petitioner
Mr. D.S. Patni, Advocate for the respondents.

Dated: 11.5.2005

Hon'ble Mr. Justice Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition the petitioners have prayed for the issue of a writ of mandamus directing the respondents to pay gratuity to the petitioners along with interest @ 24% per annum from 31.3.2003.

Briefly stated that petitioner no.1 was initially appointed in L.S.G.E.D. in the year 1967 and petitioner no.2 was appointed in the year 1972 in the services of L.S.G.E.D. Subsequently the functions of L.S.G.E.D. were given to U.P. Jal Nigam under Water Supply and Sewerage Act, 1975. After creation of State of Uttaranchal vide notification dated 7.11.2002 the employees of U.P. Jal Nigam who were members

of Hill sub cadre were absorved in Uttaranchal Peyjal Nigam. The petitioners being members of hill sub cadre were also absorbed in the service of Uttaranchal Peyjal Nigam. The petitioners retired from the services on 31st March 2003. The grievance of the petitioners is that gratuity has not been paid to them after their retirement. The petitioner No. 1 made representation on 12.5.2004, 5.10.2004, 5.10.2004 and further on 15.2.2005. The petitioner no. 2 also preferred representation. The Chief Engineer (Kumaon) also sent a letter on 20.10.2003 regarding payment of gratuity to the gratuity to the petitioner no. 2.

The learned counsel for the petitioners placed reliance in the case of State of Kerala & others v. Padmanabhan Nair, 1985 (1) SCC 429, where the apex Court has observed that pension and gratuity are no longer any bounty to be distributed by the Government to its employees. There should be no delay in the settlement and disbursement of pension and gratuity. In the case Uma Agarwal v. State of U.P. 1999 (3) SCC 438 the apex court has held that for delayed payment of gratuity an incumbent is entitled for interest.

Since the claim of the petitioners for payment of gratuity has not yet been decided by the respondents, the respondents are directed to dispose of the representations of the petitioners within six weeks after the receipt of the certified copy of this order.

With the observations made above, the writ petition is disposed of. No order as to costs.

Rajesh Tandon, J.

11.5.2005
Dhyani